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HOUSE BILL 476

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO SEX OFFENDER REGISTRATION; REQUIRING SEX OFFENDERS TO PROVIDE TELEPHONE AND PAGER NUMBERS AND EMAIL ADDRESSES WHEN REGISTERING WITH THE COUNTY SHERIFF.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 29-11A-4 NMSA 1978 (being Laws 1995, Chapter 106, Section 4, as amended) is amended to read:

"29-11A-4. REGISTRATION OF SEX OFFENDERS--INFORMATION REQUIRED--CRIMINAL PENALTY FOR NONCOMPLIANCE.--

A. A sex offender residing in this state shall register with the county sheriff for the county in which the sex offender resides.

B. A sex offender who is a resident of New Mexico shall register with the county sheriff no later than ten days after being released from the custody of the corrections

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1 department, a municipal or county jail or a federal, military
2 or tribal correctional facility or detention center or being
3 placed on probation or parole. A sex offender who changes
4 [~~his~~] residence to New Mexico shall register with the county
5 sheriff no later than ten days after [~~his~~] arrival in this
6 state. When a sex offender registers with the county sheriff,
7 [~~he~~] the sex offender shall provide the following registration
8 information:

9 (1) [~~his~~] the sex offender's legal name and
10 any other names or aliases that [~~he~~] the sex offender is using
11 or has used;

12 (2) [~~his~~] the sex offender's date of birth;

13 (3) [~~his~~] the sex offender's social security
14 number;

15 (4) [~~his~~] the sex offender's current address;

16 (5) [~~his~~] the sex offender's place of
17 employment;

18 (6) the land line and mobile telephone numbers
19 and the pager number that the sex offender uses, whether or not
20 the accounts are in the offender's name, and the email
21 addresses that the sex offender uses, whether or not the
22 accounts are in the offender's name, as applicable;

23 [~~(6)~~] (7) the sex offense for which [~~he~~] the
24 sex offender was convicted; and

25 [~~(7)~~] (8) the date and place of [~~his~~] the sex

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1 offense conviction.

2 C. A sex offender who is a resident of another
3 state but who is employed in New Mexico or attending public or
4 private school or an institution of higher education in New
5 Mexico shall register with the county sheriff for the county in
6 which the sex offender is working or attending school or an
7 institution of higher education.

8 D. A sex offender who is a resident of another
9 state but who is employed in New Mexico or attending public or
10 private school or an institution of higher education in New
11 Mexico shall register with the county sheriff no later than ten
12 days after beginning work or school. When the sex offender
13 registers with the county sheriff, [~~he~~] the sex offender shall
14 provide the following registration information:

15 (1) [~~his~~] the sex offender's legal name and
16 any other names or aliases that [~~he~~] the sex offender is using
17 or has used;

18 (2) [~~his~~] the sex offender's date of birth;

19 (3) [~~his~~] the sex offender's social security
20 number;

21 (4) [~~his~~] the sex offender's current address
22 in [~~his~~] the sex offender's state of residence and, if
23 applicable, the address of [~~his~~] the sex offender's place of
24 lodging in New Mexico while [~~he is~~] working or attending school
25 or an institution of higher education;

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1 (5) [~~his~~] the sex offender's place of
2 employment or the name of the school [~~he~~] the sex offender is
3 attending;

4 (6) the sex offense for which [~~he~~] the sex
5 offender was convicted; and

6 (7) the date and place of [~~his~~] the sex
7 offense conviction.

8 E. When a sex offender registers with a county
9 sheriff, the sheriff shall obtain:

10 (1) a photograph of the sex offender and a
11 complete set of the sex offender's fingerprints;

12 (2) a description of any tattoos, scars or
13 other distinguishing features on the sex offender's body that
14 would assist in identifying the sex offender; and

15 (3) a DNA sample [~~of his DNA~~] for inclusion in
16 the sex offender DNA identification system pursuant to the
17 provisions of the DNA Identification Act.

18 F. When a sex offender who is registered changes
19 [~~his~~] residence within the same county, the sex offender shall
20 send written notice of [~~his~~] the change of address to the
21 county sheriff no later than ten days after establishing [~~his~~]
22 the new residence.

23 G. When a sex offender who is registered changes
24 [~~his~~] residence to a new county in New Mexico, the sex offender
25 shall register with the county sheriff of the new county no

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1 later than ten days after establishing [~~his~~] the new residence.
2 The sex offender shall also send written notice of the change
3 in residence to the county sheriff with whom [~~he~~] the sex
4 offender last registered no later than ten days after
5 establishing [~~his~~] the new residence.

6 H. When a sex offender who is registered or
7 required to register does not have an established residence,
8 but lives in a shelter, halfway house or transitional living
9 facility or stays in multiple locations in New Mexico, the sex
10 offender shall register with the county sheriff for each county
11 in which the sex offender is living or temporarily located.
12 The sex offender shall register no later than ten days after a
13 change in [~~his~~] living arrangements or temporary location.

14 I. When a sex offender who is registered or
15 required to register is employed, begins a vocation or is
16 enrolled as a student at an institution of higher education in
17 New Mexico, the sex offender shall disclose [~~his~~] the sex
18 offender's status as a sex offender in writing to the county
19 sheriff for the county in which the institution of higher
20 education is located, the law enforcement entity responsible
21 for the institution of higher education and the registrar for
22 the institution of higher education no later than ten days
23 after beginning employment, beginning a vocation or enrolling
24 at the institution of higher education. The sex offender shall
25 also send written notice of any change regarding [~~his~~]

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1 employment, vocation or enrollment status at an institution of
2 higher education to the county sheriff, the law enforcement
3 entity and the registrar no later than ten days after the
4 change in [~~his~~] employment, vocation or enrollment status.

5 J. When a sex offender who is registered or
6 required to register is employed or is enrolled as a student at
7 a public or private school in New Mexico, the sex offender
8 shall disclose [~~his~~] the sex offender's status as a sex
9 offender in writing to the county sheriff for the county in
10 which the school is located and to the principal of the school
11 no later than ten days after enrolling at the school. The sex
12 offender shall also send written notice of any change regarding
13 [~~his~~] enrollment status at a school to the county sheriff and
14 the principal no later than ten days after the change in [~~his~~]
15 enrollment status.

16 K. When a sex offender who is registered or
17 required to register is employed, begins a vocation or
18 volunteers [~~his~~] services, regardless of whether the sex
19 offender receives payment or other compensation, the sex
20 offender shall disclose [~~his~~] the sex offender's status as a
21 sex offender in writing to [~~his~~] the sex offender's employer,
22 supervisor or person similarly situated. The written
23 disclosure shall be made immediately upon beginning [~~his~~]
24 employment, vocation or volunteer service.

25 L. Following [~~his~~] initial registration pursuant to

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1 the provisions of this section:

2 (1) a sex offender required to register
3 pursuant to the provisions of Subsection D of Section 29-11A-5
4 NMSA 1978 shall renew [~~his~~] registration with the county
5 sheriff not less than once in each ninety-day period following
6 the date of the sex offender's initial registration for the
7 entirety of [~~his~~] the sex offender's natural life; and

8 (2) a sex offender required to register
9 pursuant to the provisions of Subsection E of Section 29-11A-5
10 NMSA 1978 shall annually renew [~~his~~] the sex offender's
11 registration with the county sheriff prior to December 31 of
12 each subsequent calendar year for a period of ten years.

13 M. Notwithstanding the provisions of Paragraph (2)
14 of Subsection L of this section, if a sex offender is convicted
15 a second or subsequent time for a sex offense set forth in
16 Subsection E of Section 29-11A-5 NMSA 1978, [~~he~~] the sex
17 offender shall renew [~~his~~] registration with the county sheriff
18 not less than once in each ninety-day period following the date
19 of the sex offender's initial registration for the entirety of
20 [~~his~~] the sex offender's natural life.

21 N. A sex offender who willfully or knowingly fails
22 to comply with the registration requirements set forth in this
23 section is guilty of a fourth degree felony and shall be
24 sentenced pursuant to the provisions of Section 31-18-15 NMSA
25 1978. A sex offender who willfully or knowingly fails to

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1 comply with the registration requirements set forth in this
2 section after a first or subsequent conviction for a violation
3 pursuant to this section is guilty of a third degree felony and
4 shall be sentenced pursuant to the provisions of Section
5 31-18-15 NMSA 1978. The willful failure to comply with any
6 registration requirement set forth in this section shall be
7 deemed part of a continuing transaction or occurrence. A
8 conviction pursuant to this subsection shall not be considered
9 a felony for purposes of the imposition of sentencing
10 enhancements pursuant to the provisions of Section 31-18-17
11 NMSA 1978.

12 0. A sex offender who willfully or knowingly
13 provides false information when complying with the registration
14 requirements set forth in this section is guilty of a fourth
15 degree felony and shall be sentenced pursuant to the provisions
16 of Section 31-18-15 NMSA 1978. A sex offender who willfully or
17 knowingly provides false information when complying with the
18 registration requirements set forth in this section after a
19 first or subsequent conviction for a violation pursuant to this
20 section is guilty of a third degree felony and shall be
21 sentenced pursuant to the provisions of Section 31-18-15 NMSA
22 1978. The willful providing by a sex offender of false
23 information with respect to the registration requirements set
24 forth in this section shall be deemed part of a continuing
25 transaction or occurrence. A conviction pursuant to this

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1 subsection shall not be considered a felony for purposes of the
2 imposition of sentencing enhancements pursuant to the
3 provisions of Section 31-18-17 NMSA 1978."

4 Section 2. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2007.

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